

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

VONDA NOEL, on behalf of)	
HERSELF and All Others Similarly)	
Situated,)	CIVIL ACTION
)	CASE NO. 11-cv-519
Plaintiff,)	
)	JURY TRIAL DEMANDED
v.)	
)	Judge Sharp
METROPOLITAN GOVERNMENT OF)	Magistrate Judge Knowles
NASHVILLE AND DAVIDSON COUNTY)	
and DAVIDSON COUNTY SHERIFF'S)	
OFFICE,)	
)	
Defendants.)	

***REVISED* STIPULATED DISCOVERY PLAN FOR 29 U.S.C. § 216(b)
OPT-IN PLAINTIFFS AND RULE 23 CLASS MEMBERS**

As evidenced by the signatures of their counsel below, Plaintiff Vonda Noel, on behalf of all opt-in plaintiffs and the Rule 23 class, and Defendant Metropolitan Government of Nashville and Davidson County, Tennessee, have agreed and stipulated that, throughout the litigation of the above-captioned cause, the following Discovery Plan shall apply to all discovery related to individuals who have opted into this collective action as plaintiffs pursuant to 29 U.S.C. § 216(b) ("opt-in plaintiffs") and to the Rule 23 class members.

THEREFORE, IT IS HEREBY ORDERED, that the following Discovery Plan shall apply throughout this litigation to all discovery related to the opt-in plaintiffs and the Rule 23 class members. ~~Should any party desire to limit or expand upon these standard practices and procedures, the party may only do so by agreement of all parties or with leave of the Court.~~

I. Opt-in Plaintiff and Rule 23 Class Member Discovery

Individualized discovery from opt-in plaintiffs and members of the Rule 23 class shall not be permitted on a class-wide basis. Rather, twenty (20) opt-in plaintiffs (who are also members of the Rule 23 class) shall be subject to individualized discovery. Plaintiffs shall select ten (10) of these (20) opt-in plaintiffs, and Defendant shall select ten (10) of these twenty (20) opt-in plaintiffs. The Representative Plaintiff Vonda Noel, any subsequently-named Representative Plaintiff, and these twenty (20) opt-in plaintiffs shall be subject to the standard discovery practices and procedures set forth in (1) the Federal Rules of Civil Procedure, (2) this Court's local rules, and (3) the practices and procedures set forth in Judge Sharp's practice and procedure manual. Should any party desire to limit or expand upon these standard practices and procedures, the party may only do so by agreement of all parties or with leave of the Court.

II. Discovery Schedule

The discovery described in Section I above, shall be completed by the deadline set for the close of discovery in the operative scheduling order. The discovery described in Sections III and IV below shall be governed by the deadlines set forth below.

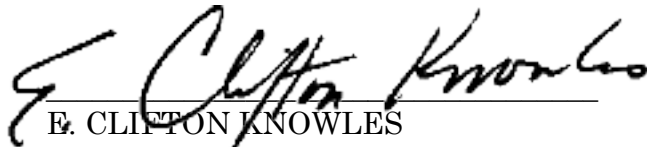
III. Post-Discovery Declaration/Affidavit Filing

Should Plaintiff rely on any declaration or affidavit in support of, or in opposition to, either a dispositive motion or a decertification motion from any opt-in plaintiff or Rule 23 class member who was not a member of the 20-person group of opt-in plaintiffs described in Section I above, Defendant shall have 30 days following the filing of such declaration or affidavit during which to depose the declarant or affiant.

IV. Trial Witnesses

The parties will identify their trial witnesses in accordance with the Court's governing trial order, or the Federal Rules of Civil Procedure if no order is in effect. All potential trial witnesses shall be disclosed through supplemental discovery responses and no later than 90 days before trial. Should Plaintiff identify as a potential trial witness an opt-in plaintiff or Rule 23 class member who has not yet been deposed or was not identified in the 20-person group of opt-in plaintiffs described in Section I above, Defendant will have 30 days from the disclosure to depose the plaintiff. Under no circumstances will any witnesses be permitted to testify at trial if they were not properly disclosed in accordance with this Discovery Plan.¹

IT IS SO ORDERED.



E. CLIFTON KNOWLES
U.S. MAGISTRATE JUDGE

¹ Identifying an individual as someone with knowledge of the facts or as someone on whom a party may rely to prove its claims will not satisfy this requirement for the disclosure of trial witnesses. Only those plaintiffs who have been deposed or explicitly identified as being potential trial witnesses, no later than 90 days before trial, will be permitted to testify at trial. Should the number of late-identified plaintiffs be large enough that it becomes impracticable to depose them in the timeframe permitted under this Order, Defendant shall notify the Magistrate Judge and seek appropriate relief.